

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Belgium	2013	Belgium / Court of Appeal Gent / City and Centre for Equal Opportunities and Opposition to Racism v. V.D.V. Marc Frans Gustaaf	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/hof-van-beroep-gent-5-maart-2013	Racial or ethnic origin	Court of Appeal Gent (Hof van Beroep te Gent)	The case concerns incitement to hatred and discrimination. In 2005, the local magazine of a political party in Sint-Niklaas published an article in which it accused young persons of foreign origin of desecrating graves. The article stated "(...) is that the perpetrators, all of them young teenagers, were of foreign ethnicity. A culture that has no respect anymore for the dead or the symbols of another religion is a deranged culture." The case was brought to the Court of First Instance, which ruled that the defendants, who wrote the article, were guilty. One of the defendants subsequently appealed the case before the Court of Appeal in Gent.	The Court of Appeal annulled the judgment of the Court of First Instance and acquitted the appellant of all charges.	According to the Court, the term "incitement" means more than providing information or expressing criticism, i.e. the defendant must have the intention to incite to hate. The Court went on to say that providing incorrect information regarding the identity or ethnic origin of the perpetrators of a crime in itself does not necessarily imply that the person responsible for the incorrect information acted with the intent to create feelings of hatred or violence. The Court thus came to the conclusion that there was insufficient evidence to support the claim that the appellant had the intention to incite to hate, violence and discrimination.	Incitement to violence or hatred must mean more than just expressing criticism. One must have the intention to incite hatred.	

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